

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ACQIS LLC,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 6:09-00148-LED
Jury Trial Demanded

JOINT NOTICE AND MOTION REGARDING SETTLEMENT

Plaintiff ACQIS LLC, and Defendant International Business Machines Corporation, hereby respectfully inform the Court that the parties have entered into a Memorandum of Understanding with terms for settlement of the present case. The parties hereby stipulate and jointly request that the Court enter an order that the deadline to file a surreply to Plaintiff's Motion to Amend Judgment and for Sanctions, currently scheduled for December 12, 2011 by the Court's grant of the parties' previous request for extension of time (*see* Docket Nos. 757 and 761), be extended to January 10, 2011. Additionally, the parties jointly request that all other deadlines be suspended until Friday December 30, 2011 to provide time for a final settlement agreement and Notice of Dismissal to be prepared.

Dated: December 12, 2011

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/s/ James P. Brogan

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this **JOINT NOTICE AND MOTION REGARDING SETTLEMENT** was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by facsimile and/or U.S. First Class Mail on December 12, 2011.

/s/ James P. Brogan
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